

REMARKS

Claims 1, 2, 4, 8, 9, 11, 14, 15, 17, and 23-26 are now pending in this application. By this amendment, claims 1, 4, 8, 9, 11, 14, 17, and 25 are amended, and claims 7 and 13 are canceled without prejudice. Support for the amendments is found in the specification, including the claims, as originally filed. No new matter has been added. Applicants appreciate the allowance of claims 1, 2, 4, 8, 9, 11, 14, 15, 17, and 23-26. Favorable reconsideration of the application in light of the foregoing amendments and following comments is respectfully solicited. Entry of the foregoing amendment is appropriate under 37 C.F.R. § 1.116(b)(1), as it is “made canceling claims” and for “complying with [requirements] of form expressly set forth in [the] previous Office action.”

Allowed Subject Matter

As noted above, Applicants appreciate the allowance of claims 1, 2, 4, 8, 9, 11, 14, 15, 17, and 23-26. Section 13 of the Office Action included a statement of reasons for the indication of allowable subject matter. Although Applicants agree that the claims are patentable over the cited art, entry of the statement into the record should not necessarily be construed as any agreement with or acquiescence by Applicants in the particular reasoning set forth in the statement, particularly to the extent, if any, that the wording used in the statement may differ from the actual claim language and/or the otherwise proper interpretation of the claim language in view of the specification and prosecution history.

Objections to the Claims

A number of objections were made in sections 4-9 of the Office Action.

Regarding sections 4 and 5 of the Office Action, Applicants have adopted the Examiner's suggested amendments, and amended the claims accordingly.

Regarding section 6 of the Office Action, although Applicants have not adopted the particular language suggested in the Office Action, claim 8 is amended to recite:

A storage medium readable by a computer, the medium having data stored thereon, the data, when executed by a processor of the computer, causes the processor to operate as . . .

This amendment is supported by at least paragraph [0057] of U.S. Patent App. Pub. No. 2005/0246168 (the publication corresponding to this application). Dependent claims 9, 11, and 25 have been amended to correspond to the amendment to independent claim 8.

Regarding sections 7 and 8 of the Office Action, Applicants respectfully disagree that it is required to amend the claims as suggested by the Office Action (*e.g.*, expressly reciting in method claim 14 that the first two calculating steps are respectively performed by a "acoustic/prosodic analysis unit" and a "cepstral analysis unit.") The Office Action has not provided any rationale for the objection. It is unnecessary in independent method claim 14, and claims 15, 17, and 26 which depend thereon, to recite that separate units perform the recited calculations. The recited calculating steps are sufficiently recited. Applicants respectfully submit that claim 14 complies with Section 112 and other formal requirements, and request withdrawal of the objection.

Regarding section 9 of the Office Action, although Applicants have not adopted the particular language suggested in the Office Action, the amendments to claims 4, 11, and 17 overcome the basis of objection presented in section 9 of the Office Action. It is further noted that claims 4 and 11 are amended to eliminate unnecessary "means" terminology.

In view of the above, Applicants respectfully submit that the above amendments and remarks overcome the bases of objection set forth in the Office Action. Accordingly, Applicants respectfully request withdrawal of the objections.

Rejection Under 35 U.S.C. § 103(a)

In section 11 of the Office Action, claims 7 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schafer et al. ("System for Automatic Formant Analysis of Speech", hereafter "Schafer") in view of U.S. Patent No. 5,732,392 (hereinafter "Mizuno"). As claims 7 and 13 are canceled, the rejection is moot. Thus, Applicants respectfully request withdrawal of the rejection.

Conclusion

In view of the above remarks, Applicants respectfully submit that the application is in condition for allowance, and respectfully request the Examiner's favorable reconsideration as to allowance. The Examiner is invited to contact the Applicants' representative listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Eric M. Shelton

Registration No. 57,630

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 EMS:MWE
Facsimile: 202.756.8087
Date: August 10, 2009

**Please recognize our Customer No. 20277
as our correspondence address.**